

## REMARKS

Claims 1-23 are under consideration. Claims 17, 18 and 21 have been amended. Claims 19 and 20 are cancelled. Reconsideration of claims 1-18 and 21-23 is respectfully requested.

The Action required the following restriction:

Group I- Claims 1-16 drawn to a resorbable bone substitute classified in class 424, subclass 468.

Group II – Claims 17-20 drawn to a method of making resorbable bone substitute classified in class 514, subclass 12.

Group III- Claims 21-23 drawn to a kit classified in class 424, subclass 426.

Applicant traverses this restriction for reasons given below. However, under 35 USC 121, applicant elects Group I to prosecute claims 1-16.


The Action states that “Inventions I and II are related as process of making the product” and the product as claimed may be made by another and materially different process (MPEP 806.05(f)).

In response, applicant disagrees. However, applicant has amended claims 17 and 18 and cancelled claims 19 and 20. Amended claims 17 and 18 define the product in terms of a process by which it is made to define the invention and is therefore not a distinct invention from the invention covered by Group I. Therefore Claims 17 and 18 belong to Group I. The restriction should be withdrawn under MPEP 806.05(f)).

As to Group III, the Action states that “Inventions I and III are different and distinct.... Because they comprise one or more structural features that are mutually exclusive from the structural features of products of the other group. In response, applicant disagrees. However, applicant has amended claim 21 so that all of the features of claim 6 are present in claim 21. Therefore, there is no basis to uphold this restriction and it should be withdrawn.

Therefore claims 1-18 and 21-23 are in form for allowance and notice to that effect should be issued.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rashida A. Karmali".

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